THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2191 OF 2006

Dated: 13-02-2006

Between

M/s. Nagendra Pharma Rep. by its
Proprietor Medatati Siva Rama Prasad
S/o. Nagendram, R/o. Ramannapudi,
Gudivada Mandal, Krishna District.

...PETITIONER

AND

The Director, O/o The Director General
Drugs and Copy Rights, Drug Control
Administration, Vengalaraonagar,
Hyderabad and other.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Medical and Health.

Learned counsel for the petitioner submits that the petitioner-firm was established with an object of providing quality drugs after obtaining the manufacturing licence under Form-26, which was renewed under licence in F-28 issued by the Director General of Drug and Copy

Rights Drugs Control Administration, Hyderabad and valid up to 31.12.2006. He further submits that the second respondent made an inspection of the petitioner-firm on 18.01.2005 and issued proceedings in Rc.No.12145/MID/NS/2004 dated 12.04.2005 through the first respondent under Rule 85(2) of Drugs and Cosmetics Rules, 1945 (for short 'the Rules') pointing out certain irregularities committed by the petitioner-firm and directed to forthwith stop the manufacturing activities of all the approved products under Form-25 and 28 till further orders. Thereafter, a show cause notice in Rc.No.15680/MIC/NS/2004 dated 04.10.2005 has been issued to the petitioner-firm directing it show cause within seven days as to why action should not be taken under Rule 85(2) of the Rules. Learned counsel further submits that the petitioner-firm filed a detailed explanation to the said show cause notice explaining the defects and the rectifications made vide representation dated 22.12.2005, but no order has been passed so far.

Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case as to whether the petitioner-firm rectified all the irregularities committed by it or not; as it is a matter to be considered by the first respondent, he is directed to consider the explanation of the petitioner-firm dated 22.12.2005 and pass appropriate final orders in accordance with law after giving reasonable opportunity to the petitioner-firm within four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 13, 2006

DSK